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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,347	09/30/2003	Paul Mayer	F-741	5780

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EXAMINER

NELSON, FREDA ANN

ART UNIT PAPER NUMBER

3628

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/675,347

Applicant(s)

MAYER ET AL.

Examiner

Freda A. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 4 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The amendment received on February 17, 2006 is acknowledged and entered.

Claims 1-15 are pending.

### ***Response to Amendment and Arguments***

Applicant's arguments filed February 13, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that Barrows does not disclose "submitting the completed subset for delivery prior to finishing balancing for all subsets in the mail run, the examiner respectfully disagrees.

Barrows discloses that if block Y is complete within block X, then a negative block type 1 is applied at step 912; and before beginning the next iteration, at step 913 block Y is redefined to be the next consecutive block on the list (see paragraph [0121]).

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1. Claims 8-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrows (US PG Pub. 2004/0122781).**

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

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under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 8, Barrows discloses dividing the mail run into defined subsets (paragraph [0014]) {considering a subset of pieces};

accounting for a disposition of mail pieces processed in the mail production apparatus (paragraph [0011]) {automatically account for discrepancies};  
identifying gaps in the subsets where the disposition of one or more mail pieces is unaccounted for (paragraph [0014]) {considering a subset of mail pieces to identify gaps};

determining that a completed subset does not include identified gaps (paragraph [0014]) {identifies gaps and each are accounted for}; and

submitting the completed subset for delivery prior to finishing balancing for all subsets in the mail run (paragraph 0046)) {once messages from control system are located from meter, print indicia, then send out};

and (paragraph [0121]) { if block Y is complete within block X, then a negative block type 1 is applied at step 912; and before beginning the next iteration, at step 913 block Y is redefined to be the next consecutive block on the list}.

As Per Claim 9, Barrows discloses the method of claim 8 further including the steps of: determining whether a downstream subset, processed prior to the completed

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subset, has one or more unresolved gaps (paragraphs 0049]-[0052], [0116]) {shows the process in which gaps are found and accounted for};

and if the downstream subset has one or more unresolved gaps, then delaying the step of submitting the completed subset for delivery until the downstream subset's gaps are resolved, (paragraph [0041]) {the process identifies gaps, once gaps are accounted for corrections are made then move to next process}.

As Per Claim 10, barrows discloses the method of claim 8 further including the steps of: assigning a sequence of identification numbers to the mail pieces in the mail run (paragraph [0031]) {the code can comprise a bar-code}; and

wherein the step of identifying gaps in the subsets includes identifying one or more identification numbers of the sequence that are missing (paragraph [0031]) {sheets are coded, and the code can comprise a bar-code}.

As Per Claim 11, Barrows discloses the method of claim 8 wherein the step of accounting for the disposition of mail pieces includes accounting for items manually repaired by an operator and items that are misprocessed or damaged and require reprocessing (paragraph [0010]-[0011]) {meter balancing which is information needed to be reconciled and entered manually; and automatically account for discrepancies}.

As Per Claim 12, Barrows discloses a method for balancing a mail run comprised of a plurality of mail pieces assembled on an automated high speed mail production apparatus, the method comprising:

dividing the mail run into defined subsets (paragraph [0014]) {considering a subset of mail pieces};

accounting for a disposition of mail pieces processed in the mail production apparatus (paragraph [0011]) {automatically account for discrepancies};

identifying gaps in the subsets where the disposition of one or more mail pieces is unaccounted for (paragraph [0014]) {considering a subset of mail pieces to identify gaps};

providing a real-time indication of identified gaps during assembly of the mail run by the mail production apparatus (abstract; paragraph [0042]) {identifies gaps display in real-time}; and

resolving the disposition of identified gaps during assembly of the mail run by the mail production apparatus (abstract) {gathered information is incomplete creating a need for automatic balancing}; and

updating the accounting of mail piece dispositions based on the resolved gaps (abstract) {automatically balancing of mail processing accounts}.

As Per Claim 13, Barrows discloses the method of claim 12 further comprising the steps of: determining that a completed subset does not include identified gaps (paragraph [0014]) {identifies gaps and each are accounted for}; and

submitting the completed subset for delivery prior to finishing balancing for all subsets in the mail run (paragraph [0046]) {once messages from control system are located from meter, print indicia, then send out}; and (paragraph [0121]) { If block Y is complete within block X, then a negative block type 1 is applied at step 912; and before beginning the next iteration, at step 913 block Y is redefined to be the next consecutive block on the list}.

As Per Claim 14, Barrows discloses the method of claim 13 further including the steps of: determining whether a downstream subset, processed prior to the completed subset, has one or more unresolved gaps (paragraphs [0049]-[0052],[0116]) {shows the process in which gaps are found and accounted for}; and

if the downstream subset has one or more unresolved gaps, then delaying the step of submitting the completed subset for delivery until the downstream subset's gaps are resolved (paragraph [0041]) {the process identifies gaps, once gaps are accounted for corrections are made then move to next process}.

As Per Claim 15, Barrows discloses the method of claim 12 further including the steps of: assigning a sequence of identification numbers to the mail pieces in the mail run (paragraph [0031]) {the code can comprise a bar-code}; and

wherein the step of identifying gaps in the subsets includes identifying one or more identification numbers of the sequence that are missing (paragraph [0031]) {sheets are coded, and the code can comprise a bar-code}.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).



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**2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US PG Pub. 2004/0122781).**

As Per Claim 1, Barrows discloses a method for balancing a mail run comprised of a plurality of mail pieces assembled on an automated high speed mail production apparatus, the method comprising:

dividing the mail run into defined subsets (paragraph [0014]) {considering a subset of mail pieces};

accounting for a disposition of mail pieces processed in the mail production apparatus (paragraph [0011]) {automatically account for discrepancies}; and

identifying gaps in the subsets wherein the disposition of one or more mail pieces is unaccounted for (paragraph [0014]) {considering a subset of mail pieces to identify gaps}.

Barrows does not explicitly stopping the mail production apparatus if a predetermined number of subsets include identified gaps.

However Barrows teaches that meter register is stopped by control system if values (gaps) are incorrect (paragraph [0044]). This suggests that the stopping process happens after the register report. Barrows still further teaches that there are many situations, including off-line use of the meter, data loss on the mail processing equipment, etc., that can cause postage and piececount information provided by the mail processing equipment and the meters to disagree with each other (paragraph [0010]).

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Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to include a meter register that stops during mail production after the subsets have been identified as gaps within the system taught by Barrows with the motivation of stopping the mail production based on the identified gaps (Barrows; paragraph [0044]).

As Per Claims 2, Barrows discloses the method of claim 1 further comprising the steps of: determining that a completed subset does not include identified gaps (paragraph [0014]) {identifies gaps and each are accounted for}; and

submitting the completed subset for delivery prior to finishing balancing for all subsets in the mail run (paragraph [0046]) {once messages from control system are located from meter, print indicia, then send out}; and (paragraph [0121]) { If block Y is complete within block X, then a negative block type 1 is applied at step 912; and before beginning the next iteration, at step 913 block Y is redefined to be the next consecutive block on the list}.

As Per Claim 3, the method of claim 2 further comprising the steps of:

providing a real-time indication of identified gaps during assembly of the mail run by the mail production apparatus (paragraph [0042]) {account balance compares piece count and postage in real-time}; and

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resolving the disposition of identified gaps during assembly of the mail run by the mail production apparatus (abstract) {gathered information is incomplete creating a need for automatic balancing}; and

updating the accounting of mail piece dispositions based on the resolved gaps (abstract) {automatically balancing of mail processing accounts}.

As Per Claim 4, Barrows discloses the method of claim 2 further comprising the steps of: determining whether a downstream subset, processed prior to the completed subset, has one or more unresolved gaps (paragraphs [0049]-[0052],[0116] ) {shows the process in which gaps are found and accounted for};

and if the downstream subset has one or more unresolved gaps, then delaying the step of submitting the completed subset for delivery until the downstream subset's gaps are resolved (paragraph [0041]) {the process identifies gaps, once gaps are accounted for corrections are made then move to next process}.

As Per Claim 5, Barrows discloses the method of claim 1 further including the steps of: providing a real-time indication of identified gaps during assembly of the mail run by the mail production apparatus (abstract) {identifies gaps display in real-time}; and

resolving the disposition of identified gaps during assembly of the mail run by the mail production apparatus (abstract) {gathered information is incomplete creating a need for automatic balancing}; and

updating the accounting of mail piece dispositions based on the resolved gaps (abstract) {automatically balancing of mail processing accounts}.

As Per Claim 6, Barrows discloses the method of claim 1 further including the steps of: assigning a sequence of identification numbers to the mail pieces in the mail run (paragraph [0031]) {the code can comprise a bar-code}; and

wherein the step of identifying gaps in the subsets includes identifying one or more identification numbers of the sequence that are missing (paragraph [0031]) {sheets are coded, and the code can comprise a bar-code}.

As Per Claim 7, Barrows discloses the method of claim 1 wherein the step of accounting for the disposition of mail pieces includes accounting for items manually repaired by an operator and items that are misprocessed or damaged and require reprocessing (paragraph [0010]) {meter balancing which is information needed to be reconciled and entered manually}; and (paragraph [0011]) {automatically account for discrepancies}.

### ***Conclusion***

3. The examiner has cited prior art of interest, for example:

1) Miller et al. (US Patent Number 6,365,862), which disclose ergonomic methods for sorting and sweeping mail pieces.

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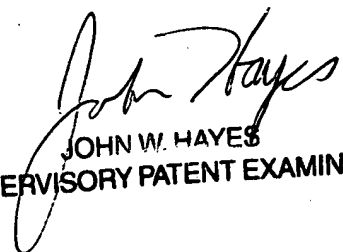
2) Moore (US PG Pub. 2002/0069186), which discloses a system and method for postal presort analysis.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 10/28/06



JOHN W. HAYES  
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